

Background Information on the Upcoming Judicial Resource Recommendations Report from SCAO

- We currently have 7 judges covering Dickinson, Menominee, and Iron Counties. Several of our judges have to travel between the 3 jurisdictions on a regular basis to hear cases.
- Every 2 years, SCAO publishes recommendations for judicial reductions or additions... primarily reductions.
- In previous years, the legislature has been reluctant to adopt the SCAO recommendations for reductions and there have not been any involuntary judicial reductions in the State of Michigan. We have gone through this battle before, and local judges have testified at prior legislative hearings on this subject. We believe this year is going to be different given that Chief Justice Young is in favor of significantly reducing the amount of trial judges across the state.
- The SCAO recommendations are based on what they call a "weighted caseload analysis." This analysis looks primarily at the number of case filings and the average amount of time each judge should be spending on each type of case. The SCAO analysis only uses statistics from the years 2008-2010, which we do not believe is necessarily a fair representation of the case numbers and trends. As we all know, the entire State of Michigan was economically depressed during these years. Additionally, the caseload in our jurisdiction has fluctuated significantly over the last two decades, so it is not prudent to base this decision on just the most recent 3 years of data.
- The SCAO recommendations also use what they call a "secondary analysis," which is supposed to incorporate other factors such as case trends, travel time, and unique situations that may exist in each jurisdiction such as the operation of specialty courts, an increasing population or anticipated increases in commercial activity.
- This year, another SCAO report is going to be published in the 3rd week of August and will be released to media outlets.
- In Dickinson, Menominee and Iron Counties, SCAO's preliminary numbers are indicating that there is an excess of 3.3 judges.
- We believe that this number is disproportionate given the scope of our jurisdictional territory, travel requirements and other factors.
- If they are consistent with past practice, even though their numbers show an excess of 3.3 judges, we believe that the SCAO is going to again recommend that between 1 and 2 judges be eliminated from our 3 county circuit. However, we believe that the study is flawed in several

respects, and that elimination of 2 judges from the 41st circuit will be a disservice to the citizens of our jurisdiction and will delay and/or prevent our community members from being able to receive the fair and efficient administration of justice.

- We are all in agreement that the judicial system needs to be run efficiently as possible, without compromising access to the courts and justice.
- We also believe that through some modifications and through the use of technology, we can become more efficient in the 41st circuit. In short, we believe that we can get by with 6 judges to cover the 3 counties in lieu of the current 7, and we are all willing to pitch in and make that sacrifice.
- However, the loss of 2 or more judges in our circuit would likely create significant problems in all 3 counties and insufficient judicial resources would be available to effectively service the counties. The rights of citizens and litigants in our jurisdiction would be compromised.
- It is also important that the local judges have a significant amount of input and discretion as to how to effectuate this change, so that it can be done with the least amount of disruption to the judicial system, litigants and our citizens.
- It is also important that any judicial eliminations be done through the process of attrition, and not simply by terminating judges at the end of their elected terms. There are a number of reasons for this, including constitutional considerations and the prospective loss of very experienced jurists.
- There has been a veiled threat from the Chief Justice of the Supreme Court for judges to go quietly or face the possibility of elimination at the end of our terms... so we need to be discrete and keep this relatively quiet for the time being. However, we wanted to express our concerns to you and provide you with a head's up regarding this breaking issue.
- Finally, we want to express our sincere gratitude to each of you for being willing to take the time out of your busy schedules to learn more about this developing situation and to discuss this matter with us. Thank you.
- Questions/Comments/Concerns ???